

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KAZANDRA BARLETTI, individually, as natural parent and next friend of A.B. and C.B., minors, et al.,

Plaintiffs,

v.

CONNEXIN SOFTWARE, INC. d/b/a
OFFICE PRACTICUM,

Defendant.

Case No. 2:22-cv-04676-JDW

**DEFENDANT'S MOTION TO DISMISS (IN PART) PLAINTIFFS' AND THE
PUTATIVE CLASS'S CONSOLIDATED COMPLAINT**

Defendant Connexin Software, Inc. d/b/a Office Practicum (“Connexin” or “Defendant”), by and through undersigned counsel, hereby moves to dismiss the Second Cause of Action (negligence *per se*), Third Cause of Action (breach of fiduciary duty), Sixth Cause of Action (breach of implied contract), Seventh Cause of Action (breach of express contract), Eighth Cause of Action (breach of contract as third-party beneficiaries), and Ninth Cause of Action (unjust enrichment) on behalf of Plaintiffs and the Putative Class in the Consolidated Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted.

In accordance with Local Rule 7.1, accompanying this Motion is Defendant's Brief in Support of its Motion to Dismiss in Part, which Defendant incorporates by reference as if set forth in full, and a proposed Order.

[signatures on next page]

Respectfully submitted,

POST & SCHELL, P.C.



Dated: June 16, 2023

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CERTIFICATE OF SERVICE

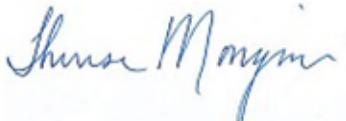
I, Theresa A. Mongiovi, hereby certify that I caused the foregoing **DEFENDANT'S MOTION TO DISMISS IN PART** to be served via electronic mail and electronic filing upon the following persons:

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Interim Co-Lead Counsel for Plaintiffs

Dated: June 16, 2023



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CERTIFICATE OF COMPLIANCE

I, Theresa A. Mongiovi, hereby certify pursuant to Your Honor's Policies and Procedures Section II.B.4 that on May 12, 2023, I sent a letter to Plaintiffs' Interim Co-Lead Counsel outlining the substantive bases for Defendant's anticipated Motion to Dismiss. On May 16, 2023, counsel for the Parties had a verbal discussion via video conference but were unable to reach a resolution. On May 26, 2023, the Parties submitted a letter to Your Honor that set forth each issue to be raised in this Motion and each party's substantive position with respect to that issue. On June 1, 2023, the Parties participated in a telephone conference with Your Honor wherein the Parties discussed their respective positions. Therefore, I hereby certify compliance with Your Honor's Policies and Procedures Section II.B.4 as set forth above.

Dated: June 16, 2023



THERESA A. MONGIOVI